

SENATE FILE 2088

S-5017

- 1 Amend Senate File 2088 as follows:  
2 1. Page 2, by striking lines 3 through 5.  
3 2. Page 5, after line 9 by inserting:  
4 <Sec. \_\_\_\_\_. Section 8A.203, subsection 1, Code 2009,  
5 is amended to read as follows:  
6 1. ~~Prescribe and adopt~~ Advise the director  
7 concerning the adoption of information technology  
8 standards and rules.>  
9 3. Page 34, line 3, by striking <quarterly>  
10 4. Page 34, line 4, after <agency> by inserting <on  
11 January 15 and July 15 of each year>  
12 5. Page 34, line 6, after <section> by inserting  
13 <for the previous six calendar months>  
14 6. Page 83, after line 9 by inserting:  
15 <8A. *Budget database.* To develop and make  
16 available to the public a searchable budget database.>  
17 7. Page 109, by striking line 8 and inserting:  
18 <..... \$ 175,000>  
19 8. Page 109, by striking line 10 and inserting:  
20 <Of the moneys appropriated in this section, \$50,000  
21 shall be used by>  
22 9. Page 113, after line 3 by inserting:  
23 <Sec. \_\_\_\_\_. REPEAL. Chapter 175A, Code 2009, is  
24 repealed.  
25 Sec. \_\_\_\_\_. GRAPE AND WINE DEVELOPMENT FUND. This  
26 division of this Act does not affect the expenditure  
27 of moneys by the department of agriculture and land  
28 stewardship to satisfy any obligations or encumbrances  
29 of moneys in the grape and wine development fund  
30 created in section 175A.5, if the obligations or  
31 encumbrances were incurred prior to the effective date  
32 of this division of this Act. Moneys credited to the  
33 grape and wine development fund that are unobligated  
34 or unencumbered at the close of the fiscal year  
35 ending June 30, 2010, shall be transferred to the wine  
36 gallonage tax fund created in section 123.183 in the  
37 same manner as a reversion.>  
38 10. By striking page 113, line 27, through page  
39 114, line 12, and inserting:  
40 <Sec. \_\_\_\_\_. Section 455B.104, Code Supplement 2009,  
41 is amended by adding the following new subsections:  
42 NEW SUBSECTION. 3. The department may periodically  
43 forward recommendations to the commission designed to  
44 encourage the reduction of statewide greenhouse gas  
45 emissions.  
46 NEW SUBSECTION. 4. By September 1 of each year,  
47 the department shall submit a report to the governor  
48 and the general assembly regarding the greenhouse gas  
49 emissions in the state during the previous calendar  
50 year and forecasting trends in such emissions. The

1 first submission by the department shall be filed by  
2 September 1, 2011, for the calendar year beginning  
3 January 1, 2010.

4 Sec. \_\_\_\_\_. Section 455B.851, Code 2009, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 10. This section is repealed July  
7 1, 2011.

8 Sec. \_\_\_\_\_. Section 473.7, subsection 12, paragraph  
9 b, Code Supplement 2009, is amended by striking the  
10 paragraph.>

11 11. By striking page 114, line 29, through page  
12 115, line 23, and inserting:

13 <Sec. \_\_\_\_\_. Section 15G.203, subsection 2, Code  
14 Supplement 2009, is amended to read as follows:

15 2. A person may apply to the department to receive  
16 financial incentives on a cost-share basis. The  
17 department shall ~~forward the applications to the~~  
18 ~~underground storage tank fund board as required~~  
19 ~~by that board for evaluation and recommendation.~~  
20 ~~The underground storage tank fund board may~~  
21 rank evaluate the applications with comments and  
22 shall, make recommendations, and forward them to the  
23 infrastructure board for approval or disapproval.  
24 The department shall award financial incentives  
25 on a cost-share basis to an eligible person whose  
26 application was approved by the infrastructure board.

27 Sec. \_\_\_\_\_. Section 15G.204, subsection 1, Code 2009,  
28 is amended to read as follows:

29 1. A person may apply to the department to receive  
30 financial incentives on a cost-share basis. The  
31 department shall ~~forward the applications to the~~  
32 ~~underground storage tank fund board as required~~  
33 ~~by that board for evaluation and recommendation.~~  
34 ~~The underground storage tank fund board may~~  
35 rank evaluate the applications with comments and  
36 shall, make recommendations, and forward them to the  
37 infrastructure board for approval or disapproval.  
38 The department shall award financial incentives  
39 on a cost-share basis to an eligible person whose  
40 application was approved by the infrastructure board.>

41 12. Page 122, after line 9 by inserting:

42 <Sec. \_\_\_\_\_. Section 455B.479, Code 2009, is amended  
43 to read as follows:

44 **455B.479 Storage tank management fee.**

45 An owner or operator of an underground storage  
46 tank shall pay an annual storage tank management fee  
47 of sixty-five dollars per tank of over one thousand  
48 one hundred gallons capacity. ~~Twenty-three percent~~  
49 ~~of the~~ The fees collected shall be deposited in the  
50 storage tank management account of the groundwater

1 protection fund. ~~Seventy-seven percent of the fees~~  
2 ~~collected shall be deposited in the Iowa comprehensive~~  
3 ~~petroleum underground storage tank fund created in~~  
4 ~~chapter 455G.~~

5 Sec. \_\_\_\_\_. Section 455E.11, subsection 2, paragraph  
6 d, Code 2009, is amended to read as follows:

7 d. A storage tank management account. All fees  
8 collected pursuant to section 455B.473, subsection 5,  
9 and section 455B.479, shall be deposited in the storage  
10 tank management account, ~~except those moneys deposited~~  
11 ~~into the Iowa comprehensive petroleum underground~~  
12 ~~storage tank fund pursuant to section 455B.479. Funds.~~  
13 Moneys deposited in the account shall be expended for  
14 the following purposes:

15 (1) One thousand dollars is appropriated annually  
16 to the Iowa department of public health to carry out  
17 departmental duties under section 135.11, subsections  
18 20 and 21, and section 139A.21.

19 (2) ~~Twenty-three percent of the proceeds of the~~  
20 ~~fees imposed pursuant to section 455B.473, subsection~~  
21 ~~5, and section 455B.479 shall be deposited in the~~  
22 ~~account annually, up to a maximum of three hundred~~  
23 ~~fifty thousand dollars. If twenty-three percent of the~~  
24 ~~proceeds exceeds three hundred fifty thousand dollars,~~  
25 ~~the excess shall be deposited into the fund created in~~  
26 ~~section 455G.3. Three hundred fifty thousand dollars~~  
27 is The moneys remaining in the account after the  
28 appropriation in subparagraph (1) are appropriated from  
29 the storage tank management account to the department  
30 of natural resources for the administration of a state  
31 storage tank program pursuant to chapter 455B, division  
32 IV, part 8, and for programs which reduce the potential  
33 for harm to the environment and the public health from  
34 storage tanks.

35 ~~(3) The remaining funds in the account are~~  
36 ~~appropriated annually to the Iowa comprehensive~~  
37 ~~petroleum underground storage tank fund.>~~

38 13. Page 136, after line 20 by inserting:

39 <Sec. \_\_\_\_\_. Section 455G.8, subsection 3, Code 2009,  
40 is amended by striking the subsection.>

41 14. Page 152, line 13, by striking <and>

42 15. Page 152, line 13, after <purposes> by  
43 inserting <, and for not more than the following  
44 full-time equivalent positions>

45 16. Page 152, after line 14 by inserting:

46 <..... FTEs 8.00>

47 17. By striking page 156, line 7, through page 157,  
48 line 28.

49 18. Page 157, after line 33 by inserting:

50 <Sec. \_\_\_\_\_. Section 273.2, Code Supplement 2009, is

1 amended by adding the following new subsections:  
2 NEW SUBSECTION. 8. The area education agency board  
3 shall collaborate with the department of education to  
4 provide a statewide infrastructure for educational  
5 data to create cost efficiencies, provide storage and  
6 disaster mitigation, and improve interconnectivity  
7 between schools and school districts. In addition,  
8 the area education agency boards shall work with  
9 the department to provide systemwide coordination  
10 in the implementation of the statewide longitudinal  
11 data system consistent with the federal American  
12 Recovery and Reinvestment Act of 2009. The area  
13 education agencies shall provide support to school  
14 districts' information technology infrastructure that  
15 is consistent with the statewide infrastructure for the  
16 educational data collaborative.

17 NEW SUBSECTION. 9. The area education agency  
18 boards shall jointly develop a three-year statewide  
19 strategic plan that supports goals adopted by the  
20 state board of education pursuant to section 256.7,  
21 subsection 4, and the accreditation standards  
22 established pursuant to section 256.11; establish  
23 performance goals; and clearly identify the statewide  
24 efforts to improve student learning and create  
25 efficiencies in management operations for area  
26 education agencies and school districts. The statewide  
27 strategic plan shall be approved by the state board  
28 of education. The area education agency boards shall  
29 jointly provide the state board with annual updates on  
30 the performance measures.>

31 19. Page 158, line 2, by striking <not less than>  
32 and inserting <~~not less than~~>

33 20. Page 158, line 3, by striking <nine> and  
34 inserting <~~nine~~ eleven>

35 21. Page 158, line 6, after <agency.> by inserting  
36 <An area education agency shall consist of five  
37 director districts.>

38 22. Page 159, line 3, by striking <The> and  
39 inserting <The A>

40 23. Page 159, line 6, by striking <The board of>

41 24. Page 159, by striking lines 7 and 8 and  
42 inserting:

43 <(1) The school district boards of each director  
44 district shall jointly elect two members to the  
45 eleven-member board of directors of the area education  
46 agency. One of the two members elected in each  
47 director district shall meet one of the following  
48 criteria, on a rotating basis with all of the other  
49 director districts, as coordinated by the department.>

50 25. Page 159, line 9, by striking <(1)> and

1 inserting <(a)>  
2 26. Page 159, line 10, by striking <(2)> and  
3 inserting <(b)>  
4 27. Page 159, line 11, by striking <(3)> and  
5 inserting <(c)>  
6 28. Page 159, line 13, by striking <(4)> and  
7 inserting <(d)>  
8 29. Page 159, by striking line 14.  
9 30. Page 159, line 15, by striking <(6)> and  
10 inserting <(e)>  
11 31. Page 159, after line 18 by inserting:  
12 <(2) The eleventh member of the board of directors  
13 of the area education agency shall be elected by the  
14 authorities in charge of the accredited nonpublic  
15 schools located within the boundaries of the area  
16 education agency.  
17 (3) Notwithstanding paragraph "b", the initial  
18 terms of the directors shall be determined by lot, one  
19 for two years, and two for four years.>  
20 32. Page 159, line 25, after <"c",> by inserting  
21 <subparagraph (1), subparagraph subdivisions (a)  
22 through (e),>  
23 33. Page 160, after line 14 by inserting:  
24 <Sec. \_\_\_\_\_. Section 273.8, subsection 6, Code  
25 Supplement 2009, is amended by striking the  
26 subsection.>  
27 34. Page 160, after line 32 by inserting:  
28 <Sec. \_\_\_\_\_. Section 273.11, subsection 2, Code 2009,  
29 is amended by adding the following new paragraph:  
30 NEW PARAGRAPH. j. Support for early childhood  
31 service coordination for families and children to meet  
32 health, safety, and learning needs.>  
33 35. Page 161, line 2, by striking <not less  
34 than nine> and inserting <nine eleven>  
35 36. By striking page 161, line 29, through page  
36 162, line 2, and inserting:  
37 <Sec. \_\_\_\_\_. EFFECTIVE AND APPLICABILITY DATE  
38 PROVISIONS. The sections of this division of this Act  
39 amending sections 273.8, 273.10, and 273.23 take effect  
40 January 1, 2011, and apply to elections for the boards  
41 of directors of area education agency boards in which  
42 the boundaries for the director districts are drawn  
43 using official population figures from the 2010 federal  
44 decennial census.>  
45 37. Page 186, before line 15 by inserting:  
46 <DIVISION \_\_\_\_\_  
47 REGISTRATION OF POSTSECONDARY SCHOOLS  
48 Sec. \_\_\_\_\_. Section 261.2, subsection 7, paragraph b,  
49 Code Supplement 2009, is amended to read as follows:  
50 b. The commission ~~may require a school seeking~~

1 registration under chapter 261B to provide copies  
2 of its application to the Iowa coordinating council  
3 for post-high school education. The commission may  
4 consider comments from the council that are received  
5 by the commission within ninety days of the filing of  
6 the application. However, if the council meets to  
7 consider comments for submission to the commission,  
8 the meeting shall be open to the public and subject to  
9 the provisions of chapter 21. The commission shall  
10 post an application on the commission's internet site  
11 and shall render a decision on an application for  
12 registration within one hundred eighty days of the  
13 filing of the application.

14 Sec. \_\_\_\_\_. REPEAL. Section 261B.10, Code Supplement  
15 2009, is repealed.>

16 38. Page 198, after line 12 by inserting:

17 <Sec. \_\_\_\_\_. DEPARTMENT OF JUSTICE - FALSE CLAIMS ACT  
18 ENFORCEMENT. There is appropriated from the general  
19 fund of the state to the department of justice for the  
20 fiscal year beginning July 1, 2010, and ending June 30,  
21 2011, the following amount, or so much thereof as is  
22 necessary, to be used for the purposes designated:

23 For the general office of the attorney general,  
24 including salaries, support, maintenance, miscellaneous  
25 purposes, and for not more than the following full-time  
26 equivalent positions:

27 .....	\$	60,000
28 .....	FTEs	1.00

29 The moneys appropriated in this section shall  
30 be utilized by the department to perform the duties  
31 required of the department under chapter 685, the false  
32 claims act, as enacted by this division of this Act.>

33 39. Page 236, lines 1 and 2, by striking <, 135N.1,  
34 135N.2, 135N.3, 135N.4, 135N.5, 135N.6,>

35 40. Page 241, by striking lines 5 through 18 and  
36 inserting:

37 <Sec. \_\_\_\_\_. Section 80.13, Code 2009, is amended to  
38 read as follows:

39 **80.13 Training schools.**

40 The commissioner may hold a training school for  
41 peace officer candidates or for peace officers of the  
42 department, and may send to recognized training schools  
43 peace officers of the department as the commissioner  
44 may deem advisable. The expenses candidate shall pay  
45 one-third of the costs of such school of training, and  
46 the remaining costs shall be paid in the same manner as  
47 other expenses paid by the department.

48 Sec. \_\_\_\_\_. Section 80B.11B, subsection 2, Code 2009,  
49 is amended by striking the subsection and inserting in  
50 lieu thereof the following:

1 2. The Iowa law enforcement academy shall charge  
2 to the following entities with the following costs to  
3 provide the basic training course which is designed to  
4 meet the minimum basic training requirements for a law  
5 enforcement officer:

6 a. To the department of natural resources and the  
7 department of transportation, the total cost.

8 b. To a candidate from any other state agency or  
9 department of the state, one-third of the total cost,  
10 and to the agency or department the remaining cost.

11 c. For a candidate sponsored by a political  
12 subdivision, to the political subdivision, one-third  
13 of the total cost; to the candidate, one-third of the  
14 total cost; and to the state, the remainder of the  
15 total cost. The political subdivision may pay for all  
16 or a portion of the candidate's share of the costs.

17 d. For all other candidates, including a candidate  
18 from a tribal government, to the candidate the total  
19 costs.>

20 41. Page 243, after line 29 by inserting:

21 <DIVISION \_\_\_\_\_  
22 PROPERTY ASSESSMENT APPEAL  
23 BOARD REPEAL

24 Sec. \_\_\_\_\_. Section 257.12, subsection 1, Code 2009,  
25 is amended to read as follows:

26 1. If a school district is required to repay  
27 property taxes paid for school taxes levied on property  
28 originally assessed at five million dollars or more  
29 because the assessment was subsequently reduced by  
30 ~~the action of the property assessment appeal board~~  
31 ~~or~~ judicial action and the amount of the reduction in  
32 the assessment equals at least one hundred thousand  
33 dollars or two percent of the assessed value of  
34 all taxable property in the district prior to the  
35 reduction, whichever is less, the school district is  
36 eligible for an adjustment in state foundation aid.  
37 To receive the adjustment in state foundation aid,  
38 the school district shall apply to the department of  
39 management prior to the beginning of the budget year  
40 following the budget year in which the repayment of the  
41 property taxes occurred. The department of management  
42 shall determine the amount of adjustment in state  
43 foundation aid pursuant to subsection 2.

44 Sec. \_\_\_\_\_. Section 441.38, Code 2009, is amended to  
45 read as follows:

46 **441.38 Appeal to district court.**

47 1. Appeals may be taken from the action of the  
48 local board of review with reference to protests  
49 of assessment, to the district court of the county  
50 in which the board holds its sessions within twenty

1 days after its adjournment or May 31, whichever date  
2 is later. Appeals may be taken from the action of  
3 the property assessment appeal board to the district  
4 court of the county where the property which is the  
5 subject of the appeal is located within twenty days  
6 after the letter of disposition of the appeal by the  
7 property assessment appeal board is postmarked to the  
8 appellant. No new grounds in addition to those set out  
9 in the protest to the local board of review as provided  
10 in section 441.37, or in addition to those set out in  
11 the appeal to the property assessment appeal board, if  
12 applicable, can be pleaded. Additional evidence to  
13 sustain those grounds may be introduced in an appeal  
14 from the local board of review to the district court.  
15 However, no new evidence to sustain those grounds may  
16 be introduced in an appeal from the property assessment  
17 appeal board to the district court. The assessor shall  
18 have the same right to appeal and in the same manner as  
19 an individual taxpayer, public body, or other public  
20 officer as provided in section 441.42. Appeals shall  
21 be taken by filing a written notice of appeal with the  
22 clerk of district court. Filing of the written notice  
23 of appeal shall preserve all rights of appeal of the  
24 appellant.

25 2. If the appeal to district court is taken from  
26 the action of the local board of review, notice of  
27 appeal shall be served as an original notice on the  
28 chairperson, presiding officer, or clerk of the board  
29 of review after the filing of notice under subsection  
30 1 with the clerk of district court. ~~If the appeal to~~  
31 ~~district court is taken from the action of the property~~  
32 ~~assessment appeal board, notice of appeal shall be~~  
33 ~~served as an original notice on the secretary of the~~  
34 ~~property assessment appeal board after the filing of~~  
35 ~~notice under subsection 1 with the clerk of district~~  
36 ~~court.~~

37 Sec. \_\_\_\_\_. Section 441.38A, Code 2009, is amended to  
38 read as follows:

39 **441.38A Notice to school district.**

40 In addition to any other requirement for providing  
41 of notice, if a property owner or aggrieved taxpayer  
42 files a protest against the assessment of property  
43 valued at five million dollars or more or files an  
44 appeal to the ~~property assessment appeal board or~~  
45 the district court with regard to such property, the  
46 assessor shall provide notice to the school district in  
47 which such property is located within ten days of the  
48 filing of the protest or the appeal, as applicable.

49 Sec. \_\_\_\_\_. 2005 Iowa Acts, chapter 150, section 134,  
50 is amended to read as follows:

1 SEC. 134. FUTURE REPEAL.

2 1. The sections of this division of this Act  
3 amending sections 7E.6, 13.7, 428.4, 441.19, 441.35,  
4 ~~441.38~~, 441.39, 441.43, 441.49, and 445.60, and  
5 enacting ~~sections 421.1A~~ and section 441.37A, are  
6 repealed effective July 1, ~~2013~~ 2010.

7 2. The portion of the section of this division of  
8 this Act amending section 441.28 relating only to the  
9 property assessment appeal board is repealed effective  
10 July 1, ~~2013~~ 2010.

11 Sec. \_\_\_\_ . REPEAL. Sections 421.1A and 441.38B,  
12 Code 2009, are repealed.>

13 42. By renumbering as necessary.

---

MICHAEL E. GRONSTAL